

Comm 83 Implementation Frequently Asked Questions – 08/01/00

- Q. If someone wants to submit a POWTS design that differs from one that could be developed using one of the recognized component manuals, will that require a petition for variance?
- A. Generally, no. A variance would only be required if the POWTS design could not comply with a specific provision in the code and an equivalent solution was proposed. If the design complies with the provisions in the code, but will not completely utilize treatment and dispersal technologies or methods either approved under s. Comm 84.10(2) or (3) or recognized under s. Comm 83.61, then it would have to be submitted to the department for an individual design review under the provisions of s. Comm 83.22. The individual design submittal must be accompanied by supporting data to document the performance of the POWTS design.
- Q. Can any portions of the component manuals, such as the specification tables be petitioned?
- A. No. The component manuals represent POWTS design solutions that are recognized under the provisions of s. Comm 83.61. If a POWTS design will not completely utilize the component manual(s), it can be submitted for an individual design review under the provisions of s. Comm 83.22.
- Q. Will the department be providing revised holding tank maintenance agreement forms?
- A. No. The department got out of the business of supplying holding tank agreement forms in 1996. Municipalities are free to develop/revise their holding tank maintenance agreement forms so that they best fit their needs.
- Q. What about the other forms supplied by the department?
- A. The department has revised the Sanitary Permit application form, Application for Review form and Soil and Site Evaluation form. Limited supplies were sent to “frequent submitters and county offices. Copies of the forms are also available as a free download on the department’s website. Other forms will be revised as time permits. Some forms like the “Plb 89” form (Application for Development of Flood Plain) and Application for the use of an At-Grade System have been discontinued.
- Q. Can a county require that a plumber obtain a “Transfer Permit” when an owner hires a new plumber after a Sanitary Permit has been issued.

- A. No. Section 145.135, Wis. Stats. is clear. A Sanitary Permit belongs to the owner of a property, not a plumber. Sanitary Permits may be transferred between owners. If an owner hires a different plumber, the Sanitary Permit must be revised to reflect the new plumber of record. A county may use a revision form and charge a fee to process the revision.
- Q. The new Comm 83 code includes a provision regarding maximum particle size (1/8”), permitted to enter the soil treatment/dispersal component. Does this mean that if only the soil treatment/dispersal component (Drainfield), is being replaced a filter must be installed on the outlet side of the existing septic tank?
- A. The particle size provision must be met. Therefore, in most cases a filter would have to be installed. If the existing tank design does not allow for the retrofitting of a filter on the outlet side of the treatment tank, the filter can be installed in a separate container located outside of the tank upstream from the soil treatment/dispersal component.
- Q. What can be done with all the soil tests that were filed prior to July 01, 2000?
- A. As was reported earlier, each soil test that was filed prior to July 01, 2000 will have to be evaluated at the time a POWTS plan is prepared to see if it contains sufficient information for decision making purposes. In most cases, the soil data should be sufficient. Soil application rates may have to be adjusted to comply with the revised code requirements. In some cases, additional information may be needed. In many instances this information can be obtained without revisiting the site, but in some cases, such as when deeper soil borings are required, it will be necessary to revisit the site.
- Q. Prior to the installation of a POWTS system can an existing Sanitary Permit (and accompanying plans), be revised so that the POWTS design reflects provisions of the new code?
- A. Yes. Previously approved plans can be revised to take advantage of provisions in the new code as long as the plans are then compliant with all provisions of the new code. The Sanitary Permit should be revised to reflect the change in POWTS design.
- Q. How will requests to use adjacent lot monitoring be handled under the new code?
- A. Under the provisions of s. Comm 85.60(2), Wis. Adm. Code, an interpretive determination report may be submitted for review. The fee for review of

this type of data is \$100.00 per site as per s. Comm 2.65(3), Wis. Adm. Code.

- Q. The new code seems to imply that a county can develop and issue its own version of the State Sanitary Permit card. Is this correct?
- A. Section 83.21(3)(e), Wis. Adm. Code, states: “A sanitary permit shall be issued...in a format prescribed by the department”. At this time, the department will continue to provide sequentially numbered state Sanitary Permit cards. We will be discussing how the numbers could be assigned to counties so that they may issue the cards using their own electronic permit processing equipment. Ideas on how this could be done are welcome. Please contact Roman Kaminski @ 715/345-5334.
- Q. Please respond to this example. A POWTS plan was approved under the previous code, but a Sanitary Permit was not obtained prior to July 01, 2000. Must this plan be revised prior to the Sanitary Permit being issued?
- A. In most cases, yes. Section 145.135(1), Wis. Stats., requires that Sanitary Permit issuance must be based on the rules in effect at the time of permit issuance. Unless the designer anticipated the various provisions of the new code, it is unlikely that the design would completely meet the new code.
- Q. Please respond to this example. A POWTS plan was approved under the previous code, and a Sanitary Permit was issued prior to July 01, 2000. The system has not been installed. The owner wants some changes in the design that will require a plan revision. Under which code will the revised plan be reviewed?
- A. Under this scenario, the revised plan could be reviewed under the previous code or the new code depending on the extent of the revision request. For example, if the revision does not change the type of POWTS design but simply reflects a change in tank or distribution cell sizing or location, this revision could be reviewed under the previous code. If the request is to change from one type of POWTS design to another (i.e. mound to an at-grade, gravity to pressure distribution, septic tank to aerobic treatment unit), this would constitute more than a revision to a previously approved plan. In that case, the design will have to be resubmitted and comply with all provisions of the new code. In either case, the Sanitary Permit file at the county should reflect the revised POWTS design.
- Q. Please respond to this example. A POWTS plan was approved, a Sanitary Permit was issued, and the system was installed. During the installation some changes were made to the design with the concurrence of the county.

The county is requiring that the changes be submitted for review. Under which code will the revised plan be reviewed?

- A. Under this scenario, the revised plans would be reviewed under the provisions of the previous code. The Sanitary Permit file at the county should reflect the revised POWTS design.
- Q. Please respond to this example. A POWTS plan was approved, a Sanitary Permit was issued and the system was installed prior to July 01, 2000. The system was originally over designed based on anticipated flows. The county now is asked to review a proposal to add a structure that will be served by the same system. What procedure should be followed?
- A. The county should make a determination under s. 83.03(1)(c), whether the existing system is sized to handle the anticipated wastewater flows and loads and whether the bottom of the infiltrative surface is the proper distance above a limiting condition. If a new, separate septic tank will serve the additional structure then the septic tank and effluent must meet the criteria of the new code and a state Sanitary Permit would be required. If the existing septic tank will be used and the additional structure will be connected to the system via a private main interceptor sewer, a state Sanitary Permit would not be required. A general plumbing approval would be required for the private main interceptor sewer.
- Q. As of July 01, 2000, the platting requirements found in Comm 85 ceased to exist. As a soil tester, how should I prepare interpretive soil determinations for proposed subdivision lots? Should they be for each lot or for the entire area subject to development?
- A. It is not possible to provide specific guidance for this type of question. The level of detail will depend on many factors. The scope of the project, local platting requirements, the complexity of the interpretive determinations and of course the wishes of the client contracting for the work.
- Q. How do you size a pump chamber under the provisions of the new code?
- A. The new code does not contain any minimum prescriptive sizing information. The pump chamber capacity will be based on such factors as specific site considerations such as dose volume, drainback volume, reserve storage capacity volume, and pump protection needs. POWTS system owner needs and desires regarding the system design must also be considered.

- Q. Is effluent sampling required for all POWTS systems approved after July 01, 2000?
- A. No. There is no provision in the new code that automatically requires effluent sampling from all POWTS systems. Sampling could be required by the department or perhaps by the manufacturer of a treatment component, for a specific POWTS system. A sampling requirement would typically be listed in a POWTS system design approval letter or in a management plan that accompanies the approved plan.
- Q. Under the new code, if someone is replacing a septic tank the soil absorption site does not have to be upgraded if: 1. Documentation is available to show that the system complied with the rules in effect at the time of approval/installation, and; 2. There is proper vertical soil separation between the bottom of the infiltrative surface and a limiting condition. Is this correct?
- A. Yes, this is correct. If documentation is not available then the next logical step would be to conduct an evaluation of the system against whatever code was in effect at the time it was installed. The most critical issue would be the vertical soil separation distance. Older systems should not be evaluated against the new code with the exception of a few specific instances that are clearly listed in the new code. (Example – Minimum two foot vertical soil separation requirement for systems installed prior to Dec. 01, 1969.
- Q. I read in the Plumbing Code Report that fees are being revised and that Comm 2 where the fee schedules are listed will go into effect on September 01, 2000. Is that when the POWTS related fees will change?
- A. No. The POWTS program related fees were included in the Comm 83 “code package” that went into effect on July 01, 2000.
- Q. In Table 2.65 it appears that there is an error in the fee schedule for holding tanks. Specifically, items 3. and 4. are worded identically. Is there an error?
- A. Yes. When the code was printed by the Revisor’s office the word “not” was inadvertently omitted in 4. The correct wording should be: “Holding tanks not approved under s. Comm 84.10(2) or (3):”.
- Q. I can’t find any reference in the new code for submitting plans to the Department for a POWTS system that will be installed in a floodplain. Can the county approve plans for those categories of POWTS systems listed in Table 83.22-3 that may be installed in a floodplain?

A. A county may review and approve plans for those categories of POWTS systems listed in Table 83.22-3, (or Table 83.22-2 if a designated agent). The design must meet all the floodplain criteria found in ss. Comm 83.32(3)(c) and Comm 83.45(6). Consultation with the Department of Natural Resources regarding the requirements of NR 116 may be necessary. Completion of the old “Plb 89” form is no longer necessary.

Q. Is there a standard “management plan” example that the department will provide as a guidance document?

A. No. The department will not be providing an example of a standard management plan. While the management/maintenance requirements for a “traditional” septic tank soil absorption system would seem to be the same for all applications, that may no longer be true under the provisions of the new code. Designers may select different and/or additional treatment components that require their own unique management/maintenance schedules. For example, a “traditional” septic tank soil absorption system may now also include a treatment tank outlet filter or maybe instead of a septic tank the design will include a “trash tank” upstream from an aerobic treatment unit. Each of these treatment components will have a specific management/maintenance schedule required by the manufacturer and/or the designer. Because of the many component combinations that are now available, it is not possible to provide a standardized example. We will post examples of various management/maintenance documents on our website as they become available.

Q. Is a management plan a stand alone document, or should it be included with other documents during the plan review/Sanitary Permit issuance process?

A. The ultimate goal is to insure that the POWTS system owner has a management/maintenance plan that they can refer to. For example, the component manuals currently recognized by the department have a requirement for a “User’s Manual” that contains additional important information such as contact names and phone numbers. A management plan could be included as part of this user’s manual. It could also be a stand alone document in addition to the user’s manual. The provisions of the management plan could also be included in the POWTS design documents as long as the management plan details are clearly identified. The choice is up to the designer/installer and how they intend to communicate this important information to the POWTS system owner.

- Q. What must be reported under the provisions of the management subchapter of the new code, specifically s. Comm 83.55(1)?
- A. For POWTS systems that are approved under the provisions of the new code, the completion of inspection, maintenance or servicing events that are specified in the approved management plan must be reported. For POWTS systems installed prior to the effective date of the new code, the provisions of s. Comm 83.54(4) apply. In either situation it is not necessary to report unscheduled events like replacement of burned out pumps, or float switches as part of the routine management reporting process. Keep in mind though that some counties may require “repair permits” for these types of activities.
- Q. Are the POWTS plan submittal checklists that were distributed by the department prior to July 01, 2000 still valid?
- A. No. There have been several procedural changes that result in the checklists no longer being current. Each POWTS component manual has a checklist that may be used as a guide for plan submittal purposes.
- Q. How will we know if a POWTS plan approved by the department was designed based on a component manual or whether it was an individual design submittal?
- A. If a component manual is used for a POWTS design, the manual identification number must be reported on the Application for Review form. The POWTS component manual checklists will be revised to indicate that the plan submitter should include the component manual(s) identification numbers along with other documentation that accompanies a plan submittal. For example, including the component manual identification number as part of other information included on the title page of a plan submittal would be acceptable.
- Q. When will the POWTS related exams that the department administers be updated to reflect the new Comm 83 code package?
- A. The exams will not be revised for several months. There are two reasons for this. One, the ongoing uncertainty due to the lawsuit that was filed to stop implementation of the code package. Two, current workload levels prevent assignment of staff to review and edit the exams. Credentialing staff are advising exam applicants at the time they register for an exam, what reference/study materials they will need.